

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Mary Edwards Bagwell,)	
)	
Plaintiff,)	C.A. No. 6:04-22467-HMH
)	
vs.)	OPINION & ORDER
)	
U.S. Foodservice Inc.,)	
)	
Defendant.)	

This matter is before the court on U.S. Foodservice, Inc.’s (“U.S.F.”) motion for attorney’s fees. U.S.F.’s motion followed this court’s September 21, 2005, order (“September Order”) in which the court ordered “that U.S.F. is entitled to attorney’s fees from Mary Edwards Bagwell’s (“Bagwell”) incurred as a result of bringing its motion to compel.” (Sept. Order 3.) The opinion expressly stated, “The court will allow U.S.F. to recover attorney’s fees expended in bringing its motion to compel.” (Id. 2) (emphasis added).

On September 26, 2005, U.S.F. filed its motion for attorney’s fees, attaching an affidavit by Michael E. Kozlarek (“Kozlarek”) and a pro forma statement with the date, hours worked, amount billed or to be billed, and the description of the work completed. In addition to requesting attorney’s fees for the motion to compel, U.S.F. also requested attorney’s fees for researching and filing its motion to dismiss filed on September 10, 2005. Bagwell responded, opposing U.S.F.’s requested fee amount and arguing that U.S.F. should not be entitled to recover fees related to its motion to dismiss. Bagwell conceded that U.S.F. was entitled to attorney’s fees, however, and did not object to the fees requested for

the work done related to the motion to compel.

As indicated in the September Order, U.S.F. may recover attorney's fees expended in bringing its motion to compel. Accordingly, U.S.F.'s motion for attorney's fees, Document number 25, is granted in part and denied in part. Bagwell is ordered to pay U.S.F. One Thousand Three Hundred Forty-two Dollars and Fifty Cents. (\$1,342.50). This amount includes One Thousand One Hundred Ninety-four Dollars and Fifty Cents (\$1,194.50) for researching, drafting, and reviewing the motion to compel, Ninety-six Dollars (\$96.00) for correspondence related to the motion to compel, and Fifty-two Dollars (\$52.00) for reviewing the court's order granting the motion to compel.

IT IS SO ORDERED.

s/ Henry M. Herlong, Jr.
United States District Judge

Greenville, South Carolina
October 4, 2005